

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIDELITY INFORMATION SERVICES, INC.,

Plaintiff,

-against-

09 Civ. 7589 (LAK)

DEBTDOMAIN GLMS PTE. LTD., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

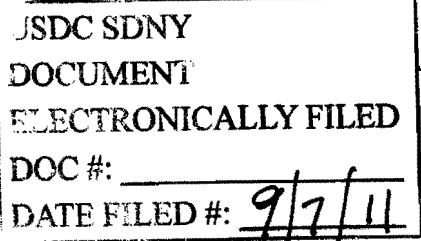
On August 11, 2011, Magistrate Judge Fox recommended that I grant defendants' motion for summary judgment dismissing the complaint. Plaintiff has objected.

I note that plaintiff's objections are supported in part by declarations of Eric Cetron, Charles L. Mauro, and Lawrence Brocchini, some of which contain exhibits and all of which bear dates later than the report and recommendation. None was before Judge Fox.

Plaintiff shall show cause, on or before September 14, 2011, why the Court should not disregard these materials on the ground that they were not before the magistrate judge. *See, e.g., United State v. Ohoro*, 724 F. Supp. 2d 1191, 1199-1200 (M.D. Ala. 2010); *Bridgeport Music, Inc. v. Chrysalis Songs*, No. 3:01-0701, 2002 WL 33949859, at *1 (M.D. Tenn. Sept. 12, 2002); *Virgin Enterprises Ltd. v. Virgin Cuts, Inc.*, 149 F. Supp. 2d 220, 223-24 (E.D. Va. 2000); *Morris v. Amalgamated Lithographers of America, Local One*, 994 F. Supp. 161, 163 (S.D.N.Y. 1998).

SO ORDERED.

Dated: September 7, 2011

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

Lewis A. Kaplan
United States District Judge